

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FISCAL YEAR 2023-2024 BUDGET, FIVE-YEAR SERVICE PLAN, ASSESSMENT PLAN, AND TAX YEAR 2023 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY) FOR PUBLIC IMPROVEMENT DISTRICT NO. 1 – DOWNTOWN; LEVYING ASSESSMENTS FOR THE COST OF CERTAIN IMPROVEMENTS AND SERVICES PROVIDED IN FORT WORTH PUBLIC IMPROVEMENT DISTRICT NO. 1 DURING FISCAL YEAR 2023-2024; SETTING CHARGES AND LIENS AGAINST PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS; RESERVING UNTO THE CITY COUNCIL THE RIGHT TO ALLOW CREDITS REDUCING THE AMOUNT OF THE RESPECTIVE ASSESSMENT TO THE EXTENT OF ANY CREDIT GRANTED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (“Act”), allows for the creation of public improvement districts;

WHEREAS, on June 23, 2009, the City Council of the City of Fort Worth (“City Council”) authorized the re-establishment of Public Improvement District No. 1 – Downtown (“District”), as a public improvement district in accordance with the Act and Resolution No. 3756-06-2009, a map of which is attached hereto as Exhibit A and incorporated herein for all purposes;

WHEREAS, Section 372.013 of the Act, as recently amended by the 87th Texas Legislature through House Bill No. 1543 (effective September 1, 2021), requires the City Council to annually review and adopt an ordinance approving the Service Plan (“Service Plan”) for the District;

WHEREAS, Sections 372.013 and 372.014 of the Act require the annual Service Plan to (i) cover a period of at least five years; (ii) define the annual indebtedness and the projected costs for improvements; (iii) include an Assessment Plan (“Assessment Plan”); and (iv) include a copy of the notice form required by Section 5.014 of the Texas Property Code (the Service Plan and Assessment Plan are collectively referred to herein as the “Service and Assessment Plan”);

WHEREAS, City Council must review the proposed fiscal year 2023-2024 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2023 Assessment Plan raised by any owner of property located within the District and, at the conclusion of the hearing, levy an assessment for the purpose of providing supplemental services and improvements for the District;

WHEREAS, the Service and Assessment Plan is attached hereto as Exhibit B and incorporated herein for all purposes;

WHEREAS, City Council desires to approve and adopt the 2023 Assessment Roll that was filed with the City Secretary and subject to public inspection in the City’s official records prior to the public hearing (“Assessment Roll”);

WHEREAS, the Service and Assessment Plan and Assessment Roll were previously presented in a public hearing conducted by the City Council on August 22, 2023 (M&C 23-0678);

WHEREAS, the Service and Assessment Plan and Assessment Roll were once again presented to the City Council in a public hearing conducted on the 12th day of September, 2023, beginning at 6:00 p.m. in the

Council Chamber in the City Hall in the City of Fort Worth, Texas (“Public Hearing”), notice of which was published and mailed to all record owners of property in the District, and at such hearing all desiring to be heard were given a full and fair opportunity to be heard; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

SECTION 1.

The Public Hearing is hereby closed and any and all protests and objections, whether herein enumerated or not, are hereby overruled. The Recitals and findings listed above are true and correct and form the basis upon which this Ordinance is being adopted and are incorporated herein by reference.

SECTION 2.

The City Council hereby approves and adopts the Service and Assessment Plan and Assessment Roll (to be kept on file with the City Secretary). In doing so, the City Council finds that the supplemental services and improvements set forth in the Service Plan are feasible and advisable and will serve the needs and desires of the property owners in the District.

SECTION 3.

The City Council, from all evidence before it, including all information provided to it and considered in the Public Hearing, finds that the assessments herein described should be made and levied against the respective parcels of privately-owned property in the District and against the owners of such property and that a corresponding payment in lieu of assessment should be made for City-owned property. Such assessments and charges are right, proper, and substantially in proportion to the benefits of the respective parcels of property by means of the improvements and services in the District for which such assessments are levied and establish substantial justice, equality, and uniformity between all parties concerned, considering the benefits received and burdens imposed. The City Council further finds that in each case the property assessed is specially benefited in enhanced value to the said property by means of the Improvements in the District and for which assessment is levied and charge made, and further finds that the apportionment of the cost of the Improvements is in accordance with applicable law. The City Council, from the evidence, further finds that the values of the respective parcels of property on January 1, 2023, are true and correct reflections of the information contained in the records of the relevant appraisal district.

SECTION 4.

There is hereby levied and assessed against the parcels of privately-owned property in the District, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money itemized per parcel of property, and the owners thereof, as far as such owners are known, at the following rate and method of payment: \$0.13 per each \$100 of value for property subject to assessment. As it concerns any City-owned property within the District, the City will contribute a payment-in-lieu-of-assessment that is based on the same rate as the privately-owned property in the District.

SECTION 5.

Where more than one person or entity owns an interest in any property described herein, each such person or entity will be personally liable only for its, his, or her pro rata share of the total assessment against such property in proportion to its, his, or her respective interest to the total ownership of such property, and its,

his, or her respective interest in such property may be released from the assessment lien upon payment of a proportionate sum.

SECTION 6.

The several sums above mentioned and assessed against the said parcels of property, and owners thereof, and penalty and interest thereon at the rate prescribed by Chapter 372, Texas Local Government Code (“Public Improvement District Assessment Act”), together with reasonable attorney’s fees and cost of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of privately-owned property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be correctly named herein or not, and such liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and will be a first and paramount lien thereon, superior to all other liens and claims, except state, county, school district and city ad valorem taxes. A copy of this ordinance will be filed with the County Clerk of Tarrant County, Texas, and when so filed constitutes complete and adequate legal notice to the public concerning the liens hereby assessed against the respective parcels of property and the owners thereof.

The sums so assessed against the respective parcels of property and the owners thereof become due and payable on or before January 31, 2024, and become delinquent if not paid by February 1, 2024. The entire amount assessed against each parcel of property bears penalty and interest, from and after February 1, 2024 at the same rate as prescribed by law for any delinquent ad valorem tax until paid.

SECTION 7.

If default is made in the payment of any assessments, collection thereof will be enforced by suit in any court of competent jurisdiction, and said City may exercise all of its lawful powers to aid in the enforcement and collection of said assessments.

SECTION 8.

The total amount assessed against the respective parcels of property, and the owners thereof, is in accordance with the proceedings of the City hereto and is less than the proportion of the cost allowed and permitted by applicable law.

SECTION 9.

Although the aforementioned charges have been fixed, levied, and assessed in the respective amounts herein stated, the City Council hereby reserves the right to reduce the aforementioned assessments by allowing credits to certain property owners where deemed appropriate and provided that any such allowance does not result in any inequity or unjust discrimination.

SECTION 10.

Full power to make and levy reassessments and to correct mistakes, errors, invalidities or irregularities in the assessments are, in accordance with the law in force in this City, vested in the City.

SECTION 11.

In any suit upon any assessment or reassessment, it will be sufficient to allege the substance of the provision recited in this ordinance and that such recitals are in fact true, and further allegations with reference

to the proceedings relating to such assessment and reassessment shall not be necessary.

SECTION 12.

Should any portion, section or part of a section of this Ordinance be declared invalid, inoperative, or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way impair the remaining portions, sections, or parts of sections of this Ordinance, which shall remain in full force and effect.

SECTION 13.

This Ordinance is cumulative of all other ordinances and appropriations amending the same except in those instances where the provisions of this Ordinance are in direct conflict with such other ordinances and appropriations, in which instance said conflicting provisions of said prior ordinances and appropriations are hereby expressly repealed.

SECTION 14.

The City Secretary is directed to cause a copy of this Ordinance to be recorded in the real property records of Tarrant County, Texas no later than the seventh (7th) day after the adopted date of this Ordinance.

SECTION 15.

This Ordinance takes effect and will be in full force and effect from and after the date of its passage.

AND IT IS SO ORDAINED.

**APPROVED AS TO FORM
AND LEGALITY:**

ATTEST:

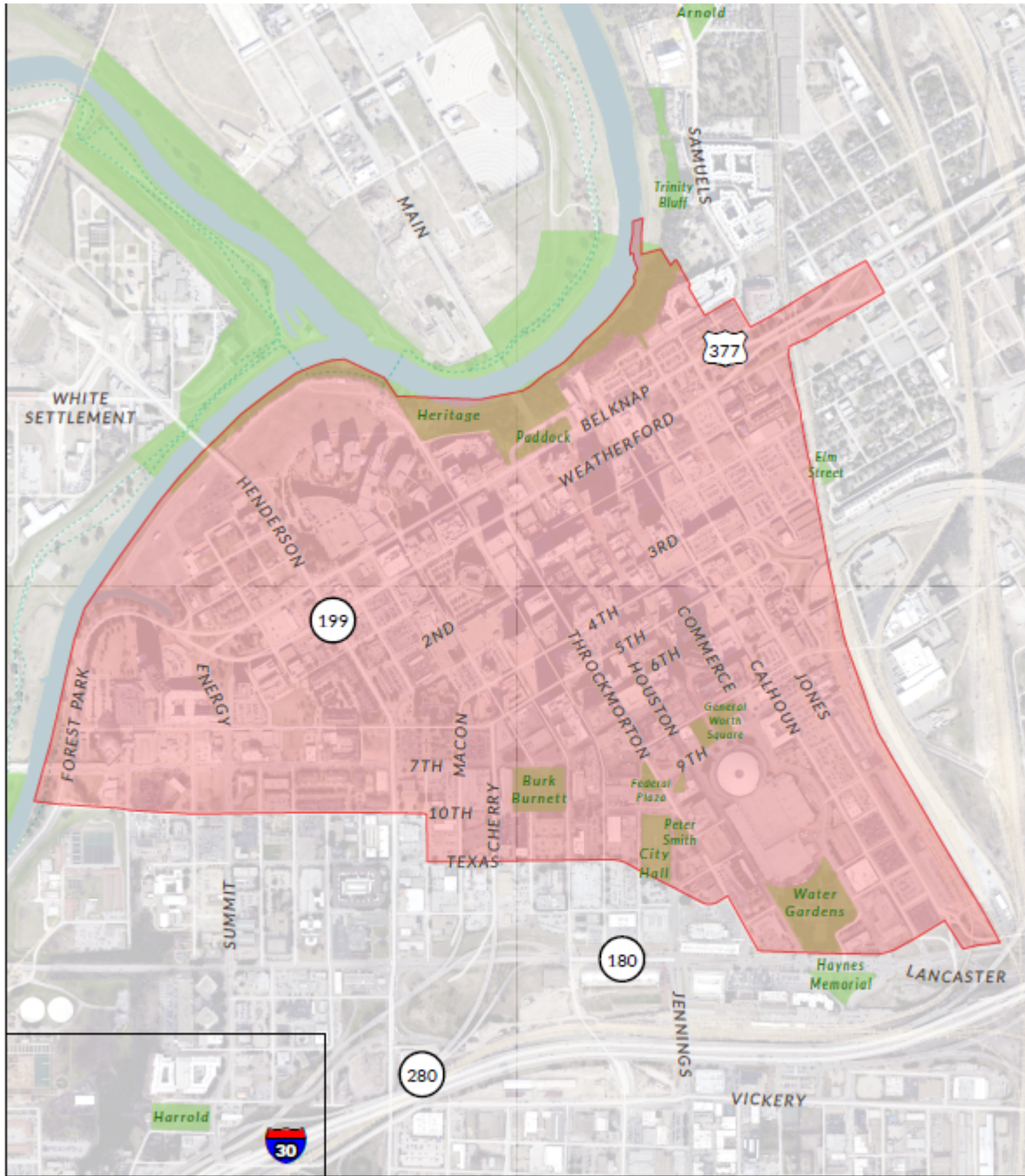
Nico Arias, Assistant City Attorney

Jannette Goodall, City Secretary

M&C: _____

Adopted and Effective: September 12, 2023

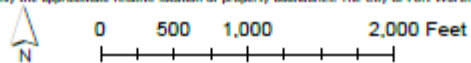
**EXHIBIT A
MAP OF THE DISTRICT**



PID 1: Downtown


 Source: Planning and Data Analytics
 Date: July 2020

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**EXHIBIT B
SERVICE AND ASSESSMENT PLAN**

SERVICE PLAN



City of Fort Worth
Five Year Service Plan FY 23-24 - FY27-28
Public Improvement District No. 1 - Fort Worth
FIVE YEAR SERVICE PLAN



| | <u>FY23/24</u> | <u>FY24/25</u> | <u>FY25/26</u> | <u>FY26/27</u> | <u>FY27/28</u> |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|
| REVENUES | | | | | |
| PID Assessments* | \$ 2,970,608 | \$ 3,029,021 | \$ 3,088,602 | \$ 3,149,374 | \$ 3,211,361 |
| COFW Assessment | 295,395 | 371,477 | 371,477 | 371,477 | 371,477 |
| COFW Payment in lieu of Services | 156,007 | 159,560 | 162,751 | 166,006 | 169,326 |
| PID Generated Revenue | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 |
| Total Budgeted Revenues | \$ 3,572,010 | \$ 3,710,058 | \$ 3,772,829 | \$ 3,836,856 | \$ 3,902,164 |
| Use of Fund Balance | | - | - | - | - |
| Total Revenues | \$ 3,572,010 | \$ 3,710,058 | \$ 3,772,829 | \$ 3,836,856 | \$ 3,902,164 |
| EXPENSES | | | | | |
| Management Fee | \$ 522,250 | \$ 532,695 | \$ 543,349 | \$ 554,216 | \$ 565,300 |
| Utilities | 10,000 | 10,000 | 13,000 | 14,000 | 15,000 |
| Landscaping | 140,000 | 140,000 | 140,000 | 140,000 | 140,000 |
| Maintenance & Operations | 1,272,300 | 1,272,300 | 1,536,197 | 1,559,701 | 1,568,627 |
| Tree Lights | 130,000 | 30,000 | 30,000 | 30,000 | 45,000 |
| Security | 10,700 | 10,700 | 11,981 | 12,220 | 12,220 |
| Ambassador Program | 724,200 | 734,114 | 747,796 | 761,752 | 775,987 |
| Newsletter | 12,500 | 12,500 | 12,500 | 12,500 | 12,500 |
| Marketing & Research | 424,600 | 445,842 | 454,759 | 463,854 | 473,444 |
| Transportation & Planning | 196,357 | 200,784 | 204,790 | 208,876 | 213,043 |
| City Audit | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 |
| City Administrative Fee | 71,440 | 74,201 | 75,457 | 76,737 | 78,043 |
| Total Budgeted Expenses | \$ 3,517,347 | \$ 3,466,136 | \$ 3,772,829 | \$ 3,836,856 | \$ 3,902,164 |
| Contribution to Fund Balance | \$ 54,663 | \$ 243,922 | \$ - | \$ - | \$ - |
| Total Expense | \$ 3,572,010 | \$ 3,710,058 | \$ 3,772,829 | \$ 3,836,856 | \$ 3,902,164 |
| Net Change in Fund Balance | \$ 54,663 | \$ 243,922 | \$ - | \$ - | \$ - |
| Estimated Fund Balance, Beginning of Year | 157,245 | 211,908 | 455,830 | 455,830 | 848,297 |
| Estimated Fund Balance, End of Year | 211,908 | 455,830 | 455,830 | 455,830 | 848,297 |
| Reserve Requirement | 577,805 | 628,931 | 639,604 | 650,491 | 650,491 |
| Over (Under) Reserve | \$ (365,897) | \$ (173,101) | \$ (183,774) | \$ (194,661) | \$ 197,806 |

*FY2023 draft Assessment Rate = \$.13

Fiscal Year 2023-2024 Budget

The total budgeted costs of the improvements and services for the District for fiscal year 2023-2024 are \$3,572,010.00. Of this amount, \$2,970,608.00 will be funded by assessments collected on privately-owned parcels located in the District. The remainder of the costs will be funded by other revenue sources, including:

- \$295,395.00 in direct payments from the City in accordance with Section 372.014(b) of the Texas Local Government Code, which amount will be a payment in lieu of assessments and will be appropriated from the General Fund balance by City Council action on September 12, 2023. This amount is arrived at by multiplying the appraised value of City property within the District by the overall assessment rate of \$0.13 per \$100 of value as of January 1, 2023;
- \$156,007.00 in direct payments from the City for payment in lieu of services, which will be appropriated from the General Fund balance by City Council action on September 12, 2023; and
- \$150,000.00 in revenues generated by District activities;

ASSESSMENT PLAN

The cost of each improvement and service provided during a fiscal year will be assessed against real property within the District benefitting from such improvement or service based on the value of such property, including the value of structures and other improvements on the property as determined by the applicable appraisal district. No annual assessment during the term of the District will exceed \$.14 per \$100 of appraised value of real property and improvements, unless otherwise approved by law.

The City will levy and assess against the parcels of privately-owned property in the District, and against the real and true owners thereof, the sums of money itemized per parcel of property, and the owners thereof, as far as such owners are known, at the following rate and method of payment: \$0.13 per each \$100 of value for property subject to assessment. As it concerns any City-owned property within the District, the City will contribute a payment-in-lieu-of-assessment that is based on the same rate as the privately-owned property in the District. The current names and addresses of the properties that are subject to assessment, along with the ordinance levying such assessments, are on file with the City Secretary of the City of Fort Worth. Payment of assessments by other exempt jurisdictions must be established by contract.

**NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT
TO THE CITY OF FORT WORTH, TEXAS**

CONCERNING THE FOLLOWING PROPERTY

(insert property address)

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Fort Worth, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within Fort Worth Public Improvement District No. 1 - Downtown (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City Secretary of the City of Fort Worth, Texas. The exact amount of each annual installment will be approved each year by the City Council of the City of Fort Worth, Texas, in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from the City Secretary of the City of Fort Worth, Texas.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

Date: _____

Signature of Purchaser